

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Nadine Cornelius,)	
)	
Plaintiff,)	
)	
vs.)	
)	
)	ORDER
Samuel Howell, City of Columbia,)	
Richland County, Nicole Anderson,)	
Edward Anderson, Camille Anderson,)	
Joshua Anderson, FNU LNU, Mr. and)	
Mrs. Cleophur Morris and Daughter;)	
Kenneth LNU, Mrs. Barbara Cornelius)	
Hicks, Ms. Melvin Cornelius, FNU LNU,)	
Carolyn Hill and Light-Skin Boyfriend,)	
Mr. Charles Geiger, Mrs. Susan Geiger,)	
Tyrone Geiger, and Cricket Geiger,)	
)	
Defendants.)	
)	

Plaintiff Nadine Cornelius is a pro se litigant. She appears to allege that Defendants entered her house without permission, damaged her house, took money from her, and assaulted her.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915. On January 8, 2007, the Magistrate Judge filed a Report and Recommendation in which he determined that (1) there is no evidence of state action that would support a claim under 42 U.S.C. § 1983; and (2) there does not appear to be diversity of citizenship. Therefore, the Magistrate Judge recommended that the complaint be dismissed without prejudice because the court lacks subject matter jurisdiction. On January 22, 2007, Plaintiff filed a letter that the court construes as objections to the Report and

Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff's letter reads as follows:

To whom it may concern,

I Mrs. Nadine Cornelius have fill out all the proper paper work that I was told to have and turn over all proper information that given to me by Mrs. Anne R. Henly and the clerk of court. I explain my situation that was going on and they told me I was at the right court. I do want a jury trail.

Entry 8 (errors in original).

The court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). The court has carefully reviewed the record and agrees with the Magistrate Judge that the court lacks subject matter jurisdiction. Plaintiff's objections are without merit.

The court concurs in the Report and Recommendation and incorporates it herein by reference. As the Magistrate Judge noted, Plaintiff's remedy is to seek recourse from the South Carolina state judicial system. This case is dismissed *without prejudice* and without issuance and service of

process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

January 30, 2007

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that she has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.